

LEGISLATIVE RESEARCH COMMISSION

EXECUTIVE BRANCH BOARDS, COMMISSIONS, AND COUNCILS



**REPORT TO THE
1983 GENERAL ASSEMBLY
OF NORTH CAROLINA
1984 SESSION**

LEGISLATIVE RESEARCH COMMISSION

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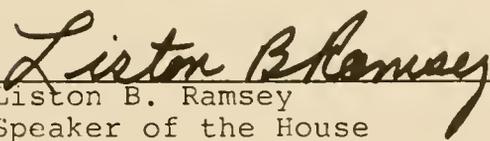


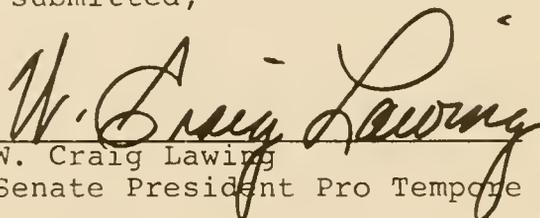
June 7, 1984

TO THE MEMBERS OF THE 1983 GENERAL ASSEMBLY:

This is the Legislative Research Commission's report to the 1983 General Assembly, Second Regular Session 1984, on boards, commissions, and councils in the executive branch of State government. This report is made pursuant to subdivision 19 of section 1 of 1983 Session Laws Chapter 905 (HB 1142), was prepared by the Legislative Research Commission's Study Committee on Executive Branch Boards, Commissions, and Councils, and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,


Liston B. Ramsey
Speaker of the House


W. Craig Lawing
Senate President Pro Tempore

Cochairmen
Legislative Research Commission

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INTRODUCTION

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the North Carolina General Statutes (G.S.), is a general-purpose legislative study group. (Appendix A contains a list of the membership of the Legislative Research Commission.)

Among the Commission's duties is to make or cause to be made, upon the direction of the Cochairmen of the Commission,

"such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner." [G.S. 120-30.17 (1)]

The 1983 General Assembly authorized, in Chapter 905 of the 1983 Session Laws (House Bill 1142), the Legislative Research Commission to study (among other topics) boards, commissions, and councils in the executive branch, pursuant to House Joint Resolution 1321 (Appendix B).

The Commission's Study Committee on Executive Branch Boards, Commissions, and Councils examined issues including:

- 1) Whether some of the 320 existing executive branch boards, commissions, and councils should be abolished or consolidated with other groups; and
- 2) Whether the duration of new and existing committees and councils created by executive officials should be limited.

COMMITTEE PROCEEDINGS

The Committee on Executive Branch Boards, Commissions, and Councils (Committee) met three times: December 16, 1983, January 17, 1984; and March 30, 1984. (The Committee minutes are on file in the Legislative Library.)

At the first meeting, the Committee examined:

- 1) bills introduced during the 1983 General Assembly that were enacted or are eligible for consideration during the 1984 regular session and that generally affect executive branch boards;
- 2) constitutional issues regarding limiting the number and duration of the executive branch boards;
- 3) recent legislative studies of executive branch boards; and
- 4) the research of the North Carolina Center for Public Policy Research on executive branch groups.

During the discussion of legislation enacted during the 1983 General Assembly session, the Committee directed its attention to House Bill 1295 (Chapter 733 of the 1983 Session Laws). This law provides for the expiration of any executive order of the Governor creating a board or council two years after the effective date of the order, unless the Governor extends the order for periods of up to two years. Representative Sam Beam, Committee Cochairman, noted that this law applies to boards and councils created by the Governor, but not to those created by other executive officials. G. S. 143B-10(d) authorizes department heads to create committees or councils to consult with and advise the departments. Representative Beam suggested that the Committee consider the possibility of extending the application of House

Bill 1295 to councils created by executive officials other than the Governor.

The Committee decided not to consider the merits of House Bill 110 (eligible for consideration during the 1984 regular session), which would create a mechanism to review occupational and professional licensure, because it was agreed that the Committee was not intended to study licensing boards.

The Committee then discussed the constitutional issues that may arise when the Legislature terminates or otherwise limits the duration of boards and councils in the executive branch. Article III, Section 5(10), of the State Constitution provides: "The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time...." Committee counsel said that this language clearly authorizes the Legislature to limit the number and duration of executive branch boards and councils.

The Committee next discussed recent efforts systematically to examine the performances of and need for many of the State's boards and commissions. These efforts include a review of many of the boards by House standing committees, upon the direction of House Speaker Liston Ramsey during the 1983 General Assembly; a study by the Legislative Committee on Agency Review, from 1981 to 1983; and a study by the Governmental Evaluation Commission, from 1977 to 1981. Senator Jack Childers, Committee Cochairman, noted that this Committee had received \$5,000 for a task even broader in scope than those assigned to the Governmental

Evaluation Commission - which received \$350,000 - and the Legislative Committee on Agency Review - which received \$50,000.

The Committee then heard from representatives of the North Carolina Center for Public Policy Research (Center). The Center is a nonprofit corporation formed in 1977 to study State government practices from an independent, nonpartisan point of view. It is not part of State government and receives no government funds. Over a two-year period, the Center identified all the executive branch boards and collected information on their expenditures, composition, and functions. The Center then evaluated the boards and made recommendations on how the system can be improved, including recommendations to abolish particular boards, consolidate the functions of certain boards, transfer some boards to other departments, and terminate some after a designated period of time. The Center offered to share with the Committee the product of its research, which the Center later published in a special report.

Ran Coble, Executive Director, and Jim Bryan, staff researcher of the Center explained the Center's research and distributed fact sheets and recommendations regarding the 320 boards under study to Committee members.

At the next meeting, the Committee considered each of the Center's recommendations to abolish certain boards and consolidate the functions of certain boards. The Committee had invited representatives of each State department in which the boards

were operating to comment on the recommendations. The Committee focused its attention in each case on the amount of State funds a board was spending, the board's activities, and the necessity of having a separate group in the executive branch perform the particular function. After hearing department representatives comment on each of the recommendations covered, Committee members set aside approximately thirty recommendations for further consideration. These recommendations consisted mainly of the ones the departments agreed with or took no position on.

At its final meeting, the Committee allowed affected agencies another opportunity to be heard on the recommendations set aside at the previous meeting. Committee members then agreed on recommendations and the proposed implementing legislation and formally adopted their report to the 1984 regular session of the 1983 General Assembly.

FINDINGS AND RECOMMENDATIONS

1. The Committee finds that the number of women and racial minorities serving on executive branch boards is proportionately less than their number in the State population.
THE COMMITTEE RECOMMENDS that the number of appointments of women and racial minorities to executive branch boards be increased accordingly.

2. The Committee finds that the North Carolina New Horizons Task Force has completed its task of developing a statewide fair housing strategy and action program, which can now be implemented by the North Carolina Housing Commission.
THE COMMITTEE RECOMMENDS that the North Carolina New Horizons Task Force be abolished.

3. The Committee finds that the North Carolina Oil Re-refining Facility is losing money and is not self-supporting, as had been planned, and that the Department of Administration is trying to sell the facility.
THE COMMITTEE RECOMMENDS that the North Carolina Re-refining Facility Board of Directors be abolished.

4. The Committee finds that the purpose of the Retired Senior Executives Advisory Committee, which is to advise the Governor on ways of enlisting the assistance of retired senior executives in State government, can be accomplished administratively, without a separate advisory group.

THE COMMITTEE RECOMMENDS that the Retired Senior Executives Advisory Committee be abolished.

5. The Committee finds that the North Carolina Land Conservancy Corporation Board of Trustees, which has not met since the late 1970's, was created before the existence of the North Carolina Nature Conservancy, a private group. The Committee finds further that, with an active Nature Conservancy to identify and purchase environmentally unique lands, the State-created corporation and board of trustees are not necessary.

THE COMMITTEE RECOMMENDS that the North Carolina Land Conservancy Corporation and Board of Trustees be abolished.

6. The Committee finds that the Commission on the Future of North Carolina has completed its task of developing alternatives for achieving the best possible future for North Carolina and has published a final report.

THE COMMITTEE RECOMMENDS that the Commission on the Future of North Carolina be abolished.

7. The Committee finds that the Employment Security Commission Advisory Council is inactive.

THE COMMITTEE RECOMMENDS that the Employment Security Commission Advisory Council be abolished.

8. The Committee finds that the Occupational Education Research Services Advisory Council, which was established to improve vocational education in the State's technical institutes and

community colleges by aiding the promotion of research and development, has met infrequently and that the Department of Community Colleges could perform its functions'.

THE COMMITTEE RECOMMENDS that the Occupational Education Research Services Advisory Council be abolished.

9. The Committee finds that the Crime Prevention and Public Information Committee is currently inactive and that the terms of its members have expired.

THE COMMITTEE RECOMMENDS that the Crime Prevention and Public Information Committee be abolished.

10. The Committee finds that the Sudden Infant Death Syndrome Project Council is no longer active.

THE COMMITTEE RECOMMENDS that the Sudden Infant Death Project Council be abolished.

11. The Committee finds that the statewide and regional Education and Training Advisory Committees are not currently functioning due to the termination of a federal grant.

THE COMMITTEE RECOMMENDS that the statewide and regional Education and Training Advisory Committees be abolished.

12. The Committee finds that the Commercial and Sports Fisheries Advisory Committee is inactive.

THE COMMITTEE RECOMMENDS that the Commercial and Sports Fisheries Advisory Committee be abolished.

13. The Committee finds that the North Carolina Water Safety

Council is inactive.

THE COMMITTEE RECOMMENDS that the North Carolina Water Safety Council be abolished.

14. The Committee finds that the Triad Park Commission is inactive.

THE COMMITTEE RECOMMENDS that the Triad Park Commission be abolished.

15. The Committee finds that the Water Quality Council is inactive.

THE COMMITTEE RECOMMENDS that the Water Quality Council be abolished.

16. The Committee finds that the Water Policy Advisory Committee for Section 208 of the Clean Water Act completed its task in 1981 and has ceased functioning.

THE COMMITTEE RECOMMENDS that the Water Policy Advisory Committee for Section 208 of the Clean Water Act be abolished.

17. The Committee finds that the Chowan Regional Task Force is inactive.

THE COMMITTEE RECOMMENDS that the Chowan Regional Task Force be abolished.

18. The Committee finds that the Private Schools Advisory Committee does not serve a useful purpose within the Department of Public Instruction, because it contributes little to the Department's policy development regarding private schools.

THE COMMITTEE RECOMMENDS that the Private Schools Advisory Committee be abolished.

19. The Committee finds that the North Carolina Highway Contract Oversight Commission has completed its final report and has ceased functioning.

THE COMMITTEE RECOMMENDS that the North Carolina Highway Contract Oversight Commission be abolished.

20. The Committee finds that the functions of the Committee for Incentive Pay for State Employees can be performed by the Governor's Commission for Governmental Productivity.

THE COMMITTEE RECOMMENDS that the Committee for Incentive Pay for State Employees be abolished and that its functions be consolidated with those of the Governor's Commission for Governmental Productivity.

21. The Committee finds that the functions of the Joint Committee on College Transfer Students are being currently performed by the Joint Advisory Committee between the University of North Carolina System and the Community Colleges System.

THE COMMITTEE RECOMMENDS that the Joint Committee on College Transfer Students be abolished.

22. The Committee finds that the functions of the Task Force on the International Year of Disabled Persons are similar to those of the Governor's Advocacy Council for persons with Disabilities and that the Governor's Advocacy Council can

better perform those functions.

THE COMMITTEE RECOMMENDS that the Task Force on the International Year of Disabled Persons be abolished and that its functions be consolidated with those of the Governor's Advocacy Council for Persons with Disabilities.

23. The Committee finds that the staff of the Department of Public Instruction is capable of performing the functions of the Edwin Gill Theatre Project Selection Committee, which are to select the best professional dramatic performances for students K-12 across the State.

THE COMMITTEE RECOMMENDS that the Edwin Gill Theatre Project Selection Committee be abolished and that the Department of Public Instruction perform its functions.

24. The Committee finds that G.S. 143B-83, which created and set forth the powers and duties of the North Carolina Awards Committee, was inadvertently repealed by Chapter 504 of the 1979 Session Laws.

THE COMMITTEE RECOMMENDS that G.S. 143B-83 be reenacted.

25. The Committee finds that the sunset provisions of G.S. 147-16.2 apply only to boards and councils created by executive order of the Governor and not to other boards and councils created by executive branch officials.

THE COMMITTEE RECOMMENDS that G.S. 147-16.2 be amended to extend its sunset provisions to all boards and councils created by executive branch officials.

INTRODUCED BY:

Public

Referred to:

A BILL TO BE ENTITLED

A JOINT RESOLUTION URGING THAT WOMEN AND RACIAL MINORITY
CITIZENS BE APPOINTED TO STATE BOARDS, COMMISSIONS, AND
COUNCILS IN NUMBERS PROPORTIONATE TO THEIR POPULATION
IN THE STATE

The General Assembly of North Carolina enacts:

Whereas, the population of North Carolina is 51% female and 24% racial minority according to the 1980 census, but membership on Executive branch boards, commissions, and councils is 22% female and 13% racial minority, which indicates that women and minorities are currently under-represented on these boards; and

Whereas 72 State boards, commissions, and councils have no female members, and 119 have no racial minority members; and

Whereas, one of the main purposes of boards, commissions, and councils is to obtain input from and encourage participation by citizens who are truly representative of the State's population, thereby ensuring greater protection of the interests of all citizens in State government;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

1 Section 1. The General Assembly urges all
2 appointing authorities to appoint women and racial minority
3 citizens to State boards, commissions and councils in
4 numbers at least proportionate to their population in the
5 State, taking into consideration the purposes and functions
6 of the particular boards, commissions, and councils.

7 Sec. 2. This resolution is effective upon rati-
8 fication.

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INTRODUCED BY:

Public

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A BILL TO BE ENTITLED
AN ACT TO ABOLISH CERTAIN EXECUTIVE BRANCH BOARDS AND TO
CONSOLIDATE THE FUNCTIONS OF CERTAIN EXECUTIVE BRANCH
BOARDS

The General Assembly of North Carolina enacts:

Section 1. The Secretary of the Department of Administration shall abolish the North Carolina New Horizons Task Force within thirty days of the effective date of this act.

Sec. 2. The Secretary of the Department of Administration shall abolish the North Carolina Oil Re-refining Facility Board of Directors within thirty days of the effective date of this act.

Sec. 3. The Secretary of the Department of Administration shall abolish the Retired Senior Executives Advisory Committee within thirty days of the effective date of this act.

Sec. 4. Article 8 of Chapter 113A of the General Statutes is repealed.

G. S. 120-123(11) is repealed.

Sec. 5. The Secretary of the Department of Administration shall abolish the Commission on the Future of

1 North Carolina within thirty days of the effective date of
2 this act.

3 Sec. 6. The Secretary of the Department of
4 Commerce shall abolish the Employment Security Commission
5 Advisory Council within thirty days of the effective date of
6 this act.

7 G. S. 96-4(e) is amended by deleting the words "a State
8 Advisory Council and" in the first sentence and by deleting
9 the last sentence.

10 Sec. 7. The President of the Department of
11 Community Colleges shall abolish the Occupational Education
12 Research Services Advisory Council within thirty days of the
13 effective date of this act.

14 Sec. 8. G. S. 143B-480(a) is amended by deleting
15 the words and punctuation "the Crime Prevention and Public
16 Information Committee,".

17 G. S. 143B-480(c)(1) is repealed.

18 Sec. 9. The Secretary of the Department of Human
19 Resources shall abolish the Sudden Infant Death Syndrome
20 Project Council within thirty days of the effective date of
21 this act.

22 Sec. 10. The Secretary of the Department of Human
23 Resources shall abolish the Statewide Education and Training
24 Advisory Committee, the South Central Region Education and
25 Training Advisory Committee, the Western Region Education
26 and Training Advisory Committee, the Eastern Region
27 Education and Training Advisory Committee, and the Northern
28

1 Region Education and Training Advisory Committee within
2 thirty days of the effective date of this act.

3 Sec. 11. G. S. 143B-279(18) is repealed.

4 Part 18 of Article 7 of Chapter 143B of the General
5 Statutes is repealed.

6 Sec. 12. G. S. 143B-279(14) is repealed.

7 Part 14 of Article 7 of Chapter 143B of the General
8 Statutes is repealed.

9 Sec. 13. Part 25 of Article 7 of Chapter 143B of
10 the General Statutes is repealed.

11 Sec. 14. G. S. 143B-279(16) is repealed.

12 Part 16 of Article 7 of Chapter 143B of the General
13 Statutes is repealed.

14 Sec. 15. The Secretary of the Department of
15 Natural Resources and Community Development shall abolish
16 the Water Policy Advisory Committee for Section 208 of the
17 Clean Water Act within thirty days of the effective date of
18 this act.

19 Sec. 16. The Secretary of the Department of
20 Natural Resources and Community Development shall abolish
21 the Chowan Regional Task Force within thirty days of the
22 effective date of this act.

23 Sec. 17. G. S. 115C-575 is repealed.

24 Sec. 18. The Secretary of the Department of State
25 Transportation shall abolish the North Carolina Highway
26 Contract Oversight Commission within thirty days of the
27 effective date of this act.

28 Sec. 19. G. S. 120-123(16) is rewritten to read:

1 "(16) The Governor's Commission on Governmental
2 Productivity, as established by G. S. 126-64."

3 Article 11 of Chapter 126 is amended by rewriting the
4 heading to read:

5 "Governor's Commission on Governmental Productivity."

6 G. S. 126-64 is rewritten to read:

7 "§126-64. Commission's authority to administer
8 incentive pay program for State employees.

9 The Governor's Commission on Governmental Productivity
10 is authorized, in addition to other powers and functions
11 assigned to it by the Governor, to adopt policies and
12 procedures to establish and administer an incentive pay
13 program for State employees. The Commission shall consist
14 of not more than twenty-one members, all of whom shall be
15 appointed by the Governor."

16 G. S. 126-65, G. S. 126-66, G. S. 126-67, and G. S.
17 126-68 are amended by deleting the word "Committee"
18 everywhere it appears in those sections and inserting in
19 lieu thereof the word "Commission".

20 Sec. 20. The President of the Department of
21 Community Colleges shall abolish the Joint Committee of
22 College Transfer Students within thirty days of the
23 effective date of this act.

24 Sec. 21. The Task Force on the International Year
25 of Disabled Persons is abolished.

26 G. S. 143B-403.1 is amended by renumbering subdivision
27 (11) as subdivision (12) and by inserting a new subdivision
28 (11) to read:

1 "(11) To initiate public awareness projects and to
2 make recommendations to the Governor concerning broad
3 policies pertaining to rehabilitation for disabled persons."

4 Sec. 22. The State Superintendent for Public
5 Instruction shall abolish the Edwin Gill Theater Project
6 Selection Committee within thirty days of the effective date
7 of this act. The Department of Public Instruction is
8 authorized to perform the functions of this Committee.

9 Sec. 23. G. S. 143B-83, as it existed before it
10 was repealed by Chapter 504 of the 1979 Session Laws, is
11 reenacted.

12 Sec. 24. This act is effective upon ratification.

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1 created; provided however that any such board, committee,
2 council, or commission existing as of July 1, 1984, expires
3 on June 30, 1986, unless it was due to expire on an earlier
4 date. The elective officer creating any such board, commit-
5 tee, council, or commission may extend the board, committee,
6 council, or commission before it expires for additional
7 periods of up to two years by doing so in writing; copies of
8 the writing shall be filed by the elective officer with the
9 Secretary of State and the State Legislative Library.

10 (c) Any State board, committee, council, or commission
11 created by any official in the executive branch of State
12 government, other than by those officials specified in
13 subsections (a) and (b), expires two years after it was
14 created; provided however that any board, committee, coun-
15 cil, or commission existing as of July 1, 1984, expires on
16 June 30, 1986, unless it was due to expire on an earlier
17 date. The Governor may extend any such board, committee,
18 council, or commission before it expires for additional
19 periods of up to two years by executive order; copies of the
20 executive order shall be filed by the Governor with the
21 Secretary of State and the State Legislative Library.

22 The words, "official in the executive branch of State
23 government," as used in this section, do not include offi-
24 cials of counties, cities, towns, villages, other municipal
25 corporations or political subdivisions of the State or any
26 agencies of such subdivision, or local boards of education,
27 other local public districts, units or bodies of any kind,
28

1 or community colleges as defined in G. S. 115D-2(2), or
2 private corporations created by act of the General Assembly.

3 (d) Any elective officer specified in subsection (b)
4 and any other official in the executive branch of State
5 government who creates a board, committee, council, or
6 commission shall do so in writing and shall file copies of
7 the writing with the Secretary of State and the State
8 Legislative Library.

9 Sec. 2. This act is effective upon ratification.

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1983-85

LEGISLATIVE RESEARCH COMMISSION MEMBERSHIP

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Cochairman

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Representative John Church

Representative Bruce Etheridge

Representative John J. Hunt

Representative Margaret Tennille

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Senator Willaim N. Martin

Senator Helen Marvin

Senator William Staton

Senator Joseph Thomas

Senator Russell Walker

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1983

HOUSE JOINT RESOLUTION 1321

Sponsors: Representative Hunt.

Referred to: Rules and Operation of the House.

June 21, 1983

1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY BOARDS, COMMISSIONS, AND COUNCILS IN THE
3 EXECUTIVE BRANCH.

4 Whereas, there are 320 boards, commissions, and councils
5 in the executive branch; and

6 Whereas, the number of boards in a department varies
7 from as few as one board in the Department of Revenue and the
8 State Auditor's Office to a high of 52 boards in the Department
9 of Human Resources and 44 boards in the Department of
10 Administration; and

11 Whereas, these 320 boards, commissions, and councils
12 have cost \$4.8 million in fiscal year 1980-81, with 29.2% of the
13 funds provided by the federal government and 64.6% of the funds
14 provided by the State government; and

15 Whereas, \$3.7 million of the total costs was spent for
16 salaries of agency personnel supporting board activities, and
17 board member expenses amounted to \$1.1 million; and

18 Whereas, four times more than what was budgeted in
19 fiscal year 1980-81 was spent to maintain State board operations
20 due primarily to staff expenses; and

21

1 Whereas, there are at least 80 boards, commissions, or
2 councils with administrative rule-making power;
3 Now, therefore, be it resolved by the House of Representatives,
4 the Senate concurring:

5 Section 1. The Legislative Research Commission is
6 authorized to study boards, commissions, and councils in the
7 executive branch.

8 Sec. 2. The Legislative Research Commission shall
9 examine the following issues in a study of boards, commissions,
10 and councils:

11 (1) Whether some of the 320 existing boards,
12 commissions, and councils should be abolished, consolidated, or
13 transferred to another department;

14 (2) Whether there should be a limit on the number of
15 advisory or policymaking groups that can be created by executive
16 officials;

17 (3) Whether there should be a sunset clause on enacting
18 legislation for such groups in order to ensure regular review of
19 the need for each group;

20 (4) Whether the General Assembly should place limits on
21 the amount of money and staff time that can be given to boards,
22 commissions, and councils;

23 (5) Whether the rates of reimbursement for travel,
24 subsistence, and per diem expenses should be standardized for
25 those groups created by the executive branch and those created by
26 the legislative branch;

1 (6) Whether the number of groups with administrative
2 rule-making power should be reduced; and

3 (7) Any other matters the Legislative Research
4 Commission may assign for study.

5 Sec. 3. The Legislative Research Commission shall make
6 an interim report to the 1983 General Assembly (Second Session
7 1984) and a final report to the 1985 General Assembly by January
8 1, 1985.

9 Sec. 4. This resolution is effective upon ratification.
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COMMITTEE ON
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